

TC

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION

AMENDED CITATION NOTICE

FILED
JUN
AUG 29 2008
AUG 29, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Herbert Eldean
Judgment Creditor

No. Case No. 07 C 6582

Court Date: September 11, 2008

Roger Mitchell
Judgment Debtor

Time: 9:00 a.m.

Room: 1403

Judgment Debtor's last known:

Name: Roger Mitchell

Address: 2 Bratenahl, No. 5B

City/State/Zip: Cleveland, Ohio 44108

Telephone: _____

A judgment in favor of Herbert Eldean and against Roger Mitchell was entered on April 11, 2008 in the amount of \$355,000.00 and \$ 355,000.00 remains unsatisfied.

Name and address of Attorney for Judgment Creditor or Judgment Creditor (if without an attorney):

Atty. No. 6290401

Name: Tressa A. Pankovits

Atty. for: Herbert Eldean

Address: 500 Skokie Blvd., Suite 350

City/State/Zip: Chicago, Illinois 60062

Telephone: 847/849-4800

Name of person to receive Citation: Roger Mitchell

NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor and in favor of the judgment creditor in

the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law.

THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE. (see reverse)

- (1) Under Illinois or federal law, the exemption of personal property owned by the debtor includes the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor, including money in a bank account.
- (2) Social Security and SSI benefits;
- (3) Public assistance benefits;
- (4) Unemployment compensation benefits;
- (5) Workers compensation benefits;
- (6) Veterans benefits;
- (7) Circuit breaker property tax relief benefits;
- (8) The debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle;
- (9) The debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor;
- (10) Under Illinois law every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000 which homestead is exempt from judgment.
- (11) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the greater of the state or federal minimum hourly wage.
- (12) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.
- (13) Pension and retirement benefits (including IRA accounts) and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

This notice may be sent to the judgment debtor by regular first class mail.

**Michael W. Dobbins, Clerk of Court, U.S. DISTRICT COURT NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION**

CERTIFICATION OF MAILING BY JUDGMENT CREDITOR OR ATTORNEY FOR JUDGMENT
CREDITOR

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/109), the undersigned certifies that s/he mailed by regular first-class mail a copy of the citation notice and this citation to defendant at the address shown below upon filing of the citation or within three business days of service if served upon Third Party Respondent.

(PLEASE PRINT)

Preparing Atty. No. 6290401

Preparing Atty. Name: Tressa A. Pankovits

Atty. for: Herbert Eldean

Address: 500 Skokie Blvd., Suite 350

City/State/Zip: Chicago, Illinois 60062

Telephone: 847/849-4800



Preparer's Signature

**Michael W. Dobbins, Clerk of Court, U.S. DISTRICT COURT NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION**